

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

F B Rice & Co
605 Darling Street
BALMAIN NSW 2041

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing **30 MAR 2005**
(day/month/year)

Applicant's or agent's file reference
121655

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/AU2004/001803

International filing date (day/month/year)
22 December 2004

Priority date (day/month/year)
22 December 2003

International Patent Classification (IPC) or both national classification and IPC

Int. Cl. ⁷ **H04R 25/00**

Applicant

COCHLEAR LIMITED et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU
AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
E-mail address: pct@ipaaustralia.gov.au
Facsimile No. (02) 6285 3929

Authorized Officer
JAMES WILLIAMS
Telephone No. (02) 6283 2599

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

10/58224U

AP3 Rec'd PCT/PTO 09 JUN 2005
International application No.
PCT/AU2004/001803

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/001803

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

| | | |
|-------------------------------|-------------|-----|
| Novelty (N) | Claims 1-66 | YES |
| | Claims | NO |
| Inventive step (IS) | Claims | YES |
| | Claims 1-66 | NO |
| Industrial applicability (IA) | Claims 1-66 | YES |
| | Claims | NO |

2. Citations and explanations:

Novelty

None of the citations in the International Search Report, individually, disclose all of the essential features of the claimed invention.

Inventive Step

D1: US 5,824,022

D1 discloses a cochlear stimulation system employing behind-the-ear speech processing with remote control.

D1 discloses a remote control that is connected via a radio link with the behind-the-ear (BTE) speech processor and issues the processor with control signals. Both the remote and the BTE speech processor contain a battery and user interfaces.

The only difference between the present invention and the cited prior art is the use of a radio link instead of a hard-wired solution. And this solution is also introduced by the applicant in Claim 11. Therefore the claims 1-66 do not involve an inventive step.